IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.17 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : D.D.SINHA AND
R.V. MORE, JJ.

DATED : DECEMBER 19, 2006

Heard Shri Bastian, learned Counsel for the petitioner, Shri Khubalkar, learned Assistant Government Pleader for the respondent no.1, and Mrs. Patil, learned Counsel for the respondent no.2.

The petition is directed against the communication dated 14.5.2005 issued by the Principal, Anand Niketan Agriculture College, Warora whereby time bound promotion granted to the petitioner came to be cancelled.

Shri Bastian, learned Counsel for the petitioner, states that procedure, which

is followed while considering entitlement of the petitioner for grant of time bound promotion, is bad in law since petitioner is otherwise eligible to get time bound promotion and higher pay scale, which is applicable to the promotional post.

Mrs. Patil, learned Counsel for the respondent no.2, states that so far as promotion to the post of Laboratory Assistant is concerned, requisite qualification is S.S.C. with Science, Physics and Chemistry and the person, who does not possess this requisite qualification, cannot be promoted to the post of Laboratory Assistant. Consequently, further promotion in this regard also cannot be granted. It is submitted that in the circumstances, the impugned communication is just and proper.

We have considered the contentions of the learned Counsel for the parties and perused the impugned communication. It is not in dispute that so far as promotion to the post of Laboratory Assistant is concerned, requisite

qualification is S.S.C. with Science, Physics and Chemistry. It is also not in dispute that petitioner does not possess the said requisite qualification and, therefore, question of time bound promotion on the basis thereof does not arise. Other contentions canvassed by the learned Counsel for the petitioner as well as grounds mentioned in the petition are misconceived and devoid of substance. The impugned communication is just and proper and needs no interference. Hence, petition is dismissed.

JUDGE JUDGE

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